

Amendment No. 1 to HB2153

Coleman
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1552*

House Bill No. 2153

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-13-104(1), is amended by adding the word “or” at the end of subdivision (B) and by adding the following as a new, appropriately designated subdivision:

() The crime involved the failure to stop at the scene of an accident in violation of § 55-10-101 which directly resulted in serious bodily injury or death to the victim and the evidence shows that the operator of the motor vehicle knew or reasonably should have known that death or serious bodily injury had occurred.

SECTION 2. Tennessee Code Annotated, Section 40-24-107(a)(3), is amended by deleting the period at the end thereof and by substituting instead “, or § 55-10-101, relating to the duty to stop at the scene of an accident resulting in injury or death.”

SECTION 3. Tennessee Code Annotated, Section 29-13-105(a)(4), is amended by deleting the semicolon “;” at the end thereof and by substituting instead the following:

“, or if no estate of the victim is opened, to a relative of the victim as defined in § 29-13-102(11);”.

SECTION 4. Tennessee Code Annotated, Section 29-13-107, is amended by adding the following new subdivision at the end thereof:

(7) Except as otherwise provided in subdivision (6) of this section, any award made for medical or medical-related expenses, including but not limited to, dental, chiropractic, hospital, physical therapy and nursing services, shall be made in an amount of seventy-five percent (75%) of the billed charges if there exists a sufficient amount left in the maximum award rate stipulated in § 29-13-106(e). If an insufficient

amount exists in the maximum award rate to pay seventy-five percent (75%) of the billed charges, the billed charges shall be reduced to the amount remaining to bring the total compensation awarded on account of the criminal act to the maximum rate specified in § 29-13-106(e). Any medical provider or hospital that accepts payment under this part for medical or medical-related expenses or services shall accept such payment as payment in full and shall not bill any balance of those expenses to the victim or the claimant if the total payments made under this part to any such provider or hospital equal seventy-five percent (75%) of the billed charges. This subdivision does not prohibit the medical provider or hospital from seeking reimbursement from the victim or the claimant for the difference, if any, between seventy-five percent (75%) of the billed charges and the amount paid by the division under this subdivision. This subdivision does not apply to reimbursements for forensic medical examinations provided under § 29-13-118.

Reimbursements for such examinations are governed by the provisions of § 29-13-118.

SECTION 5. Tennessee Code Annotated, Section 29-13-111(d), is amended by adding the following new subdivision at the end thereof:

(3) Nothing in this subsection (d) shall be construed to increase the maximum amount that may otherwise be awarded under § 29-13-107(7).

SECTION 6. Tennessee Code Annotated, Section 29-13-118(e), is amended by deleting the same in its entirety and by substituting instead the following:

(e) Payment to a health care provider under this section does not prohibit the victim from receiving other payments for which the victim may be eligible under this part or any other provision of law.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. Sections 1 and 4 of this act shall take effect on July 1, 2008, the public welfare requiring it and shall apply to all claims arising from criminal acts committed on or after

July 1, 2008. All other sections of this act take effect on July 1, 2008, the public welfare requiring it.